



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

DCL:MMO

*610 Federal Plaza  
Central Islip, New York 11722*

July 23, 2019

Honorable Joseph F. Bianco  
United States Circuit Judge  
for the Court of Appeals, Second Circuit  
Long Island Federal Courthouse  
100 Federal Plaza  
Central Islip, New York 11722

Re: United States v. Kenner and Constantine  
No. CR-13-607 (S-2) (JFB)

Dear Judge Bianco:

The government respectfully submits this letter pursuant to Your Honor's Order on July 2, 2019 to advise the Court of the status of the government's request for information. On July 8, 2019, the government requested counsel for Ken Jowdy ("Jowdy") and Diamante Cabo San Lucas ("DCSL") to provide the following documents: 1) sample contracts of sale for each and every type of ownership interest in DCSL, including but not limited to, time share interests, fractional ownership interests, fee simple interests, leasehold interests and possessory interests; 2) records of names of all purchasers for each and every type of ownership interest in DCSL; and 3) a list of all entities, LLCs or businesses in which Ken Jowdy or Taffy Jowdy have an interest, directly or indirectly. On July 12, 2019, counsel for Jowdy and DCSL indicated that he would contact the government in the following week after gathering the requested information. That same day, July 12, 2019, counsel for Danske Bank provided the government with the trust documents pertaining to DCSL that the government previously requested.

On July 18, 2019, counsel for Jowdy and DCSL indicated that he had mailed the government a flash drive containing the monthly reports for DCSL, dated December 2018 through May 2019, containing the cumulative list of purchasers of real estate and time shares at the resort through May 31, 2019, and additionally indicated that he was still gathering examples of the contracts of sale for the various types of ownership interests in DCSL and would be forwarding them to the government early this week (week of July 22, 2019). Counsel for Jowdy and DCSL also provided the government with the names of the entities in which Jowdy has as interest, directly or indirectly, in (i) the real property and premises known as DCSL; (ii) Baja Ventures 2006, LLC; (iii) KAJ Holdings, LLC; (iv) CSL Properties 2006, LLC; (v) Diamante

Properties, LLC; and (vi) Somerset, LLC, and stated that Jowdy's brother, Taffy Jowdy, does not have any interest, directly or indirectly, in such property.

Accordingly, the government is awaiting receipt of the examples of the contracts for sale of the various types of ownership interests in DCSL. Once received, the government will be able to determine whether additional documentation will be necessary, and, if not needed, the government intends to file a revised proposed Preliminary Order of Forfeiture.

Thank you for your consideration of this submission.

Respectfully submitted,

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cc: Philip Kenner